

KELVIN SETTLE d/b/a Zips, Inc.,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,
a corporation, and STEPHEN K. BOONE,
both individually and as an agent of
Allstate Insurance Company,

Defendants.

This matter is before the Court upon plaintiff's, Kelvin Settle's, Motion for Reconsideration and to Correct Technical Error [Doc. 7]. Plaintiff moves the Court to reconsider its Order of September 28, 2005, dismissing plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

“Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence.” *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (quoting *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir.),

as amended, 835 F.2d 710 (7th Cir. 1987). Moreover, a motion to reconsider may not be used to raise arguments which could have been raised prior to the Court's dismissal of the action. *See Federal Deposit Ins. Corp. v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986).

The Court has reviewed plaintiff's complaint and finds no "manifest errors of law or fact" in its Order of September 28, 2005. The "fraud on the court" alleged by plaintiff occurred during the course of the state court trial when defendant Boone allegedly made a false submission to the court. The state court denied plaintiff's motion for relief from judgment, which was based on plaintiff's assertion that defendant had made such false submission.

As previously stated, this Court could grant plaintiff no relief except by determining that the state court was wrong, and, to the extent that plaintiff is, in effect, seeking federal review of a state court's order against him, this Court lacks subject matter jurisdiction over the action. *Cf. Ernst v. Child and Youth Serv. of Chester County*, 108 F.3d 486, 491 (3d Cir. 1997) (no federal jurisdiction over "functional equivalent" of appeal from state court judgment). Therefore, the Court will deny plaintiff's motion for reconsideration.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's Motion for Reconsideration and to Correct Technical Error [Doc. 7] be **DENIED**.

Dated this 31st day of October, 2005.


UNITED STATES DISTRICT JUDGE